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HOUSE BILL 34

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO PRESCRIPTION DRUGS; ALLOWING THERAPEUTIC
INTERCHANGE OF THERAPEUTIC ALTERNATE DRUGS UNDER CERTAIN
CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Drug Product Selection
Act is enacted to read:

"[NEW MATERIAL] THERAPEUTIC INTERCHANGE OF PRESCRIPTION
DRUGS AUTHORIZED.--

A. Upon receipt of a prescription written by a
licensed practitioner who may prescribe drugs, a pharmacist may
make a therapeutic interchange of a prescription drug with a
therapeutically alternate drug in accordance with prior
authorization granted by the prescribing practitioner.

B. As used in this section:

.159534.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 (1) "prior authorization" means written,
2 electronic or telephonic authorization for a pharmacist to
3 execute a therapeutic interchange of a drug for which a
4 prescription is being presented;

5 (2) "therapeutic alternate" means a drug
6 product with a different chemical structure than the drug
7 prescribed but that is of the same pharmacological or
8 therapeutic class and that can usually be expected to have
9 similar therapeutic effects and adverse reaction profiles when
10 administered to patients in therapeutically equivalent doses;
11 and

12 (3) "therapeutic interchange" means the
13 authorized exchange of a therapeutic alternate drug within a
14 formulary system or preferred drug list established in
15 accordance with previously approved written guidelines or
16 protocols."